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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,579	06/07/2000	Hugh Frederick Collins	THOM-0009	1127

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EXAMINER

MEDLEY, MARGARET B

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 10/22/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,579

Applicant(s)

COLLINS, HUGH FREDERICK

Examiner

Margaret B. Medley

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-26, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- ☐ Interview Summary (PTO-413) Paper No(s) ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

Art Unit: 1714

DETAILED ACTION

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. The bringing up to working temperature of the catalytic convertor is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The disclosure at page 5 of lines 11+ demonstrates that the said particular feature was considered essential by the applicant is not reflected in the claim, which is rejected.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2-3, 5-11 13-18, 23, 26 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1714

Claims 2-3 appear to be superfluous in that the features appear to belong to a process step, and not to a composition claim. Clarification to the scope of the claim is requested.

Claim 5 is confusing for the phrase "including one or more organic solvents as hydrocarbon or oxygen donor" in that it is in conflict with claim 1 requirement that both a hydrocarbon source and at least one oxygen donor be present. The rejection may be overcome by written lines 1-2 as "wherein the hydrocarbon source and the oxygen donor is at least one organic solvent".

Claims 6-11 lack antecedent support from claim 5 and are confusing and unclear. The term "and" should be substituted for the term "or" in the last line of claims 6 and 10.

Claims 7-9 should delete the phrase "one or more organic solvents comprises" and substitute the following phrases ---aliphatic alcohol is---, ---ketone is---, and ---aromatic hydrocarbon is ---, respectively, for clarity.

Claim 11 should further delete the phrase "paraffin or kerosene" since one is a further limitation of the other, to avoid having both the broad range and the narrow range present in the same claim. Clarity of the claims can be made with the insertion of the phrase "selected from the group consisting of" in line 3 before the term "Sr" since all elements are not required.

Claim 23 lacks antecedent support in claim 21 for determining the composition based on the fuel in the fuel tank.

Claim 29 lacks antecedent support in claim 31 for feeding the composition in the injection line.

Art Unit: 1714

Claim 26 is confusing in that it is unclear as to when the composition is combustible.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-11, 13-26 and 28-29 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Smith 6,123,742, see abstract, examples 1-3 and claims 1-9.

Smith teaches a mixture blend comprising toluene, methanol, isopropyl alcohol and mineral oil mixed with a blend comprising acetone, toluene, methanol and xylene that is to be added to an Internal Combustion Engine (ICE) hydrocarbon fuel to improve the operation of an engine and reduce pollutants released into the atmosphere by the engine running on the fuel and additive that anticipates the instant claims. Also, Smith anticipates the trace elements of the alcohol from which the additive is derived would be present in the additive composition because the additives appear to be commercially available additives that are prepared by the same process and therefore would have the same trace elements present therein and anticipate the trace elements of instant claims 16-17.

Patentee anticipates instant claims 15-16 and 23 because patentee has the same additives present in the same overlapping relative proportion as those of instant claims 15-16 and 23.

Art Unit: 1714

Smith anticipates claims 19-26 and 28-29 because by adding the fuel to the ICE that reduces pollution upon running the engine on the fuel comprising the additive and also would anticipate cleaning or rejuvenating the catalytic convertor since pollution is reduced. The adding of the fuel to the injector system, to the engine or to the fuel tank is anticipated by the step of patentee of adding the additive to the fuel that is added to the injector and/or engine.

Claims 1-5 and 16-17 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Germanaud et al (Germanaud) 6,113,661, See example 2.

Claims 1-5 and 16-17 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Hille et al (Hille) 6,013,114 See Table 2.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gonzalez 5,316,558, note abstract and Table A catalytic clean-combustible promoter composition that clearly anticipates the instant claim composition.

Claims 1-6 and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sweeney 4,397,655, see examples VI-XIII.

Claims 1-6 and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sweeney 4,395,267, See Examples 1-5.

Claims 1-6 and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sweeney 4,390,344, See Examples 1-8.

Art Unit: 1714

Claims 1-6, 8 and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sweeney 4,261,702, see page 5, lines 64-68.

Claims 1-7, 10, 16-20 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mayerhoffer et al (Mayerhoffer) 3,869,262, see examples 1, 3, 9-15 and column 8, lines 60 to column 9, line 30.

Claims 1-7, 9-11 and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Badger 4,405,336, see examples 1-2.

Claims 1-6, 11 and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by T'Hart 4,424,063, see abstract.

Claims 1-7, 9-11 and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sanders 5,266,082, see examples 1-12.

Claims 1-7 and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Perlman 5,858,031, see examples 1-4.

The prior cited but not applied further teaches additive compositions and method of the same nature as claimed by applicant.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret B. Medley whose telephone number is 703-308-2518. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

Art Unit: 1714

872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Margaret B. Medley
Primary Examiner
Art Unit 1714

MB.Medley
October 21, 2002